

**REMARKS**

As a preliminary matter, Applicants thank the Examiner for conducting interviews with Applicants' representative on June 8 and June 14, 2006, during which proposed amendments to the claims were discussed. In the present Reply, Applicants amend the claims in accordance with those discussions.

Claims 1-12 and 14-18 are pending in the application. Claim 13 has been cancelled.

Claims 1-12 and 14-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 12 and 14 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1-12 and 14-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Frankland et al. (US 2002/0026339) in view of Fasca (US 2002/0065581).

**Rejection under 35 U.S.C. § 112**

Claims 1-12 and 14-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The bases for this rejection include the use of the "wherein" clause in independent claim 1 and the format and description of the method of independent claim 12. Claims 1, 4-10, 12, and 14-18 are amended herein to address these issues. For example, claim 1 is amended to reorganize the claim by moving a portion of the "wherein" clause to the recitation of the release rate database and by moving another portion of the

“wherein” clause to the recitation of the server. Also, claim 1 is amended to restate or delete various terms and phrases. Claim 12 is amended to change the recitations of “process 1,” etc. to recite the gerund form of the verbs, e.g., “identifying.” Also, the organizing steps of the databases included in claim 12 are rewritten as separate steps of the claimed method.

### **Rejection under 35 U.S.C. § 101**

Claims 12 and 14 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner alleged that the claimed invention merely performed a mathematical algorithm. Applicants respectfully disagree. To expedite examination, however, claim 12 is amended herein to include a step of outputting effectiveness data to a user. Accordingly, claim 12 and its dependent claim 14 are directed to statutory subject matter.

### **Rejection under 35 U.S.C. § 103(a)**

Claims 1-12 and 14-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Frankland in view of Fasca. Applicants submit that Frankland and Fasca fail to teach or suggest all of the limitations of the claims.

With regard to independent claim 12, Frankland does not teach or suggest determining the release amounts of the managed chemical substances for each of a plurality of types of equipment, by accessing the release rate database. Frankland discloses tracking of environmental releases to air, water and land to create agency reports. *See paragraph [0420]*. Also, Frankland discloses that environmental release data is stored in a database as input data. *See paragraphs [0340]-[0359]*. Frankland, however, does not disclose or suggest determining the release amounts of the managed chemical substances for each of

a plurality of types of equipment, by accessing the release rate database, as described by claim 12.

Furthermore, Fasca fails to make up for this deficiency of Frankland. Fasca discloses installing Selective Catalytic Reduction (SCR) equipment to mitigate emission of nitrogen oxides. *See paragraph [0044]*. Fasca, however, does not disclose, or even suggest, determining the release amounts of the managed chemical substances for each of a plurality of types of equipment, by accessing the release rate database. Therefore, claim 12 is allowable.

Applicants further submit that Frankland and Fasca fail to teach or suggest the feature of claim 12 of evaluating effectiveness of each of the plurality of types of equipment in reducing the discharged chemical substances, based on the evaluated environmental effects. In the Office Action, paragraphs [0417] and [0419] of Frankland were cited in this regard. The cited paragraphs disclose capturing and accumulating information on all environmental releases and discharges, but the disclosed capturing and accumulating only relate to a particular system used at a facility. In Frankland, there is no evaluation of the effectiveness of each of a plurality of types of equipment in reducing the discharged chemical substances, based on the evaluated environmental effects. Therefore, Applicants submit that claim 12 is allowable for this additional reason.

Claim 14 is allowable over the prior art, at least because of its dependence from claim 12.

For reasons analogous to those for claim 12, Applicants submit that claim 1 and its dependent claims 2-11 and 15-18 are allowable over Frankland and Fasca. Specifically, Frankland and Fasca fail to teach or suggest the release rate database claimed in claim 1, which includes a release rate database that organizes information of the release rates of the chemical substances as a control target in a predetermined process as a database, stores the information of the release rates in the predetermined process for each of a plurality of types of equipment, and sets the release rates with respect to input amounts of materials input into each of the plurality of types of equipment used in the predetermined process. More specifically, the prior art does not disclose a release rate database that ... stores the information of the release rates in the predetermined process for each of a plurality of types of equipment, and sets the release rates with respect to input amounts of materials input into each of the plurality of types of equipment used in the predetermined process. Frankland and Fasca fail to disclose any consideration of the plurality of types of equipment that may be used in a predetermined process with regard to storing of information or setting of release rates. Instead, as described above, Frankland's and Fasca's disclosures are directed to a particular system. Thus, claim 1 is allowable over the prior art.

Also, Frankland and Fasca fail to disclose a server configured to calculate ... for each of the plurality of types of equipment, environmental performance information that evaluates environmental effects due to discharging the calculated release amounts of the chemical substances as the control target, as

claimed in claim 1 of the present application. The Office Action refers to paragraphs [0416], [0417] and [0419] of Frankland with regard to the server. The cited paragraphs describe various environmental health and safety sections of Frankland's system, which provide information on chemical properties of materials, environmental releases, and storage and use of materials at a facility. None of the cited paragraphs, however, teach or suggest calculating environmental performance information that evaluates environmental effects due to discharging the calculated release amounts, for each of a plurality of types of equipment. Thus, claim 1 is allowable for this additional reason.

Claims 2-11 and 15-18 are allowable, at least because of their dependence from claim 1.


### **Conclusion**

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 056204.50780US).

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